



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/586,667 | 07/20/2006 | Anne Ortiz-Julien | BJS-1721-122 | 8048 |

23117 7590 08/26/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

| |
|----------|
| EXAMINER |
|----------|

BADR, HAMID R

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1781

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

08/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Applicants' amendment after final rejection filed 8/02/2010 is acknowledged. This amendment is entered for appeal purposes.

The Applicants' arguments are not persuasive for the following reasons.

1. Applicants argue that the introduction of glutathione to the must cannot be envisioned because it is known that glutathione, since it constitutes a nitrogen source, can be consumed during alcoholic fermentation by the inoculated active yeast and that based on this statement, it would not have been obvious that in fact a positive result would be obtained concerning an advantageous effect on the effective aging of white wine.

a. The addition of glutathione, as a pure chemical, to the must is not allowed. Therefore, its contribution to the protective effect against wine oxidation should be provided either by the yeast glutathione content, ranging from 1-10% on dry weight basis, or naturally by grapes themselves. R1 clearly that added yeast at refining stage is advantageous for its secondary effect. This secondary effect included the protection against oxidation of wines. This was known in the art at the time the invention was known. Please see R1 at paragraphs 0011 and 0012.

The consumption of glutathione as a source of nitrogen, as projected by Applicants, is out of question because R1 does not add pure glutathione to be metabolized anyway. The combined teachings of R1 and R2 clearly show the beneficial effects of glutathione. Furthermore, glutathione is known in the art to be a biological reducing agent having beneficial effects as disclosed by R1 and R2. Methods of enriching yeasts to contain

Art Unit: 1781

higher levels of glutathione as admittedly acknowledged by Applicants were also known in the art. Since R1 and R2 disclose the effects of glutathione in wine making, carrying out wine fermentation using glutathione enriched yeasts would have been obvious to those of skill in the art.

Furthermore, since the beneficial effect of glutathione was known at the time of invention, it could be added for a secondary action as disclosed by R1 (in which case the sum of the primary and secondary effects are effective in protecting the wine) or this cumulative effect could be provided by a glutathione enriched yeast as presently claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hamid R Badr
Examiner
Art Unit 1781

/Keith D. Hendricks/
Supervisory Patent Examiner, Art Unit 1781